

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

RUDOLPH CAREY III,

Plaintiff,

v.

1:21-cv-01090-LO-TCB

**ALISON LAND, in her official capacity as
Commissioner of the Virginia Department
of Behavioral Health and Developmental
Services,**

Defendant.

**DEFENDANT COMMISSIONER LAND’S
MOTION TO DISMISS PURSUANT TO RULES 12(b)(1) AND 12(b)(6)**

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, defendant, Alison Land (“Commissioner Land”), in her official capacity as Commissioner of the Virginia Department of Behavioral Health and Developmental Services, by counsel, respectfully moves this Court to dismiss the plaintiff’s Complaint with prejudice. In support, Commissioner Land relies on the Memorandum in Support filed herewith.

Respectfully submitted,

/s/ Amy E. Hensley

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th of November, 2021, I filed a copy of the foregoing document using the Court's ECM/ECF filing system, which will send an electronic notification of the same (NEF) to counsel of record for the plaintiff.

/s/ Amy E. Hensley
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Office of the Attorney General